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PATENT APPLICATION
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Applicant: WATKINS, Jeffrey D., et al. Group Art Unit: 1644
Serial No.: 10/553,938 Examiner: Schwadron, Ronald B.
Application Date: October 21, 2005 Conf No.: 8652
For: CD20 Binding Molecules
Docket No.: X-16760A

RESPONSE TO NOTICE TO COMPLY WITH REQUIREMENTS
FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE
AND/OR AMINO ACID SEQUENCE DISCLOSURES

Commissioner for Patents
Mail Stop Missing Parts
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is in response to a "Notice to Comply With Requirements For Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures" dated July 28, 2009, noting the unacceptable Sequence Listing.

Enclosed herewith are:

- 1) a copy of the Notice;
- 2) an electronic copy of the Sequence Listing pursuant to 37 C.F.R. § 1.821(e); and

- 3) an Amendment amending the specification to replace the sequence listing.

Respectfully submitted,

/Robert L. Sharp/
Robert L. Sharp
Attorney for Applicants
Registration No. 45,609
Phone: 317-651-1541

Eli Lilly and Company
Patent Division
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October 7, 2009



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APPLICATION NO.	FILED DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/551,938	10/21/2005	Jeffrey D. Watkins	X-16760A	8652
<div>25885 7590 07/28/2009</div> <div>ELI LILLY & COMPANY PATENT DIVISION P.O. BOX 6288 INDIANAPOLIS, IN 46206-6288</div> <div>RECEIVED JUL 28 2009 ELI LILLY AND COMPANY Patent Division</div> <div>EXAMINER SCHWADRON, RONALD B</div> <div>ART UNIT PAPER NUMBER</div> <div>1544</div> <div>NOTIFICATION DATE DELIVERY MODE</div> <div>07/28/2009 ELECTRONIC</div>				

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patents@lilly.com

Due 9.28.09

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10553938	10/21/2005	WATKINS ET AL.	X-16760A

ELI LILLY & COMPANY
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P.O. BOX 6288
INDIANAPOLIS, IN 46206-6288

EXAMINER

Ron Schwadron, Ph.D.

ART UNIT PAPER

1644 200907

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

This application contains sequence disclosures that are encompassed by the definitions for nucleotide and/or amino acid sequences set forth in 37 CFR 1.821(a)(1) and (a)(2). However, this application fails to comply with the requirements of 37 CFR 1.821 through 1.825 for the reason(s) set forth below or on the attached Notice To Comply With Requirements For Patent Applications Containing Nucleotide Sequence And/Or Amino Acid Sequence Disclosures.

The CRF and paper copy of the sequence listing lack reference to parent application 60/471,958 in mandatory section <150>. PCT/US04/015786 should also be listed in section <150>.

Applicant is given ONE MONTH, or THIRTY DAYS, whichever is longer, from the mailing date of this letter within which to comply with the sequence rules, 37 CFR 1.821 - 1.825. Failure to comply with these requirements will result in ABANDONMENT of the application under 37 CFR 1.821(g). Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a). In no case may an applicant extend the period for reply beyond the SIX MONTH statutory period. Direct the reply to the undersigned. Applicant is requested to return a copy of the attached Notice to Comply with the reply.

/Ron Schwadron/
Ron Schwadron, Ph.D.
Primary Examiner, Art Unit 1644

Notice to Comply

Application No.
10553938

Applicant(s)
WATKINS ET AL.

Examiner
Ron Schwadron, Ph.D.

Art Unit
1644

NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

Applicant must file the items indicated below within the time period set the Office action to which the Notice is attached to avoid abandonment under 35 U.S.C. § 133 (extensions of time may be obtained under the provisions of 37 CFR 1.136(a)).

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

- ☒ 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998).
- ☐ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- ☐ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- ☐ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."
- ☐ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- ☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- ☒ 7. Other:

Applicant Must Provide:

- ☒ An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".
- ☒ An initial or substitute paper copy of the "Sequence Listing", as well as an amendment specifically directing its entry into the application.
- ☒ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (571) 272-0731 or (571) 272-0951
For CRF Submission Help, call (571) 272-2510
PatentIn Software Program Support
Technical Assistance. 1-866-217-9197 or 703-305-3028 or 571-272-6845
PatentIn Software is Available At www.USPTO.gov

PLEASE RETURN A COPY OF THIS NOTICE WITH YOUR REPLY

COUNT SHEET FOR SEQUENCE CASES

Serial No. 10/553938

AE _____

Mark only one space below

Date of Count _____

(CRFN) (CRF is unreadable; use CRF Diskette
Problem Report)

_____ **XXXXX** _____ **(CRFD)** (CRF does not comply; use Notice to
Comply)

(CRFR) (CRF required but none submitted;
use Notice to Comply)

reporting bona fide attempt to comply;
use Notice to Comply and send copy
of RSL)

(non bona fide) (second or subsequent letter to
applicant reporting non-bona fide
attempt to comply; use
Notice to Comply and send
of RSL)

Examiner's Name: Ron Schwadron, Ph.D.

GAU: 1644